IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3774 OF 2006

Ramesh Narkhede .. Applicant
Versus
State of Maharashtra .. Respondent

Mr.A.P.Mundargi, Senior Advocate with Amol Patankar for applicant
Mr.S.S.Pednekar, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 15th November 2006

P.C.

. Applicant is apprehending arrested in connection with C.R.No.333 of 2006 registered with Bhosari Police Station. Offences alleged are cheating and forgery.

2. The principal contention of Mr.Mundargi, learned Senior Counsel for applicant is that the applicant is the Chairman of the Institute which

conducts a Business Management Course. He submits that the course is admittedly part time course and all that has happened is that some student entertained a belief that the Institute is affiliated to Pune University and that the course is recognised by Pune University. He submits that it is true that the course is not recognised and prima facie the same is of Tilak Maharashtra Vidyapeeth and Rajasthan University. However, only 22 students have complained to the investigating machinery. All these students have been refunded their fees. Barring the education expenses, the entire amounts are refunded and an affidavit is filed by the applicant in this Court to the said effect. In such circumstances and when all other accused have been enlarged on regular bail, there is no warrant for custodial interrogation. The matter is based upon documents and all documents are in the custody of I.O. Any further queries would be answered and all documents furnished. There is no

apprehension that the applicant would not be available, now, that he has been discharged from the Hospital.

3. Learned A.P.P. has invited my attention to the affidavit and more particularly paras 13 and 14 thereof. He submits that even Pune University has been taken for a ride and it has now decided to probe into the affairs of the Sun High Tech & Management Development and Research Institute. During the pendency of such investigations by the Pune University, it would not be proper to grant pre-arrest bail. The applicant has not made himself available for interrogation at any time. He submits that custodial interrogation is necessary to find out and ascertain as to how many students have been admitted, amounts collected and the manner of their utilisation.

4. After hearing both sides and perusing the

application, theannexures thereto, affidavit of I.O. and further affidavit of applicant, I am of the view that the applicant is a Chairman of the Institute. He has pointed out on oath that the Institute had collected monies from the concerned students but the course was not recognised and approved by Pune University. He has also pointed out that such students who have approached the Institute for refund of fees have been refunded their fees. He is also willing to cooperate with the investigation, now that that he is discharged from the Hospital. The applicant has pointed out that all documents would be furnished to the I.O. so also he will render all assistance and cooperation to the Pune University. In such circumstances, at this stage, no custodial interrogation is necessary. The case appears to be based upon documents and there is no apprehension that the applicant would not cooperate. Hence, following order:-

i) In the event of the arrest of the applicant in connection with C.R.No.333 of 2006 registered with Bhosari Station, the applicant shall be enlarged on bail in the sum of Rs.50,000/- with one or two sureties in the like amount.

ii) The bail is granted subject to condition that the applicant will attend the Crime Branch, EOW, Pune twice a week on every Thursday and Friday between 5.00 p.m. and 7.00 p.m. initially for a period of two months and thereafter as and when summoned till the charge sheet is filed.

iii) Bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of

accusation against him so as to dissuade him from disclosing such facts to the Court or to the police officer/ investigating agency. The applicant shall not tamper with the prosecution evidence.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial

v) This order will enure to the benefit of the applicant only till charge sheet is filed. Thereafter, he will be free to apply to the appropriate court for appropriate relief.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)